

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

AMY MCDILL,

Plaintiff,

V.

STATE OF ALABAMA BOARD OF  
PARDONS AND PAROLES, *et al.*,

Defendants.

Case No. 2:18-cv-597-MHT-SMD

## ORDER

Amy McDill (“Plaintiff”) brings this action alleging employment discrimination against the Alabama Board of Pardons and Paroles (“ABPP”) and several of its members (“Defendants”). *Am. Compl.* (Doc. 37) pp. 1–14.<sup>1</sup> Pending before the Court is Plaintiff’s Emergency Motion for Protective Order (Doc. 80).

Plaintiff seeks a protective order preventing nonparty Sonya Simmons from appearing before Defendant ABPP based upon a written directive issued by its Division Director. *Pl.'s Mot.* (Doc. 80) pp. 1-2. Plaintiff contends that, by issuing the directive, Defendant ABPP is attempting to circumvent the undersigned's previous order issuing a protective order preventing Defendant ABPP from taking Ms. Simmons's deposition on July 12, 2021. *Id.*; *see Order* (Doc. 78). According to Plaintiff's counsel, Ms. Simmons,

<sup>1</sup> The individually named defendants are Phil Bryant, Stacey Brown, Chris Norman, Cliff Walker, Lynn Head, and Terry G. Davis. *Am. Compl.* (Doc. 37) pp. 1–14.

who is employed by ABPP, informed him that if she did not appear pursuant to the directive, she “could face disciplinary actions.” *Id.*

Under Federal Rule of Civil Procedure 26, “a party or person *from whom discovery is sought*” may seek a protective order “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” FED. R. CIV. P. 26(c)(1) (emphasis added). Plaintiff informs that Court that Defendant ABPP, in its role as Ms. Simmons’s employer, has directed her to meet with its counsel. A non-party’s meeting with her employer is beyond the scope of this Court’s discovery authority under Rule 26. Therefore, it is

ORDERED that Plaintiff’s Motion for Protective Order (Doc. 80) is DENIED.

DONE this 12th day of July, 2021.

A handwritten signature in black ink, appearing to read 'Stephen M. Doyle', is written over a horizontal line.

Stephen M. Doyle  
CHIEF U.S. MAGISTRATE JUDGE